IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 29 OF 2007

PRAKASH PARAB THROUGH HIS NEXT FRIEND SUBHASH PARAB ... Petitioner

Versus

STATE OF GOA THROUGH CHIEF SECRETARY AND 2 ORS., ... Respondents

Ms. Asha Dessai, Advocate for the Petitioner.

Mr. C. A. Ferreira, Public Prosecutor for the Respondents.

Coram:- N. A. BRITTO, J.

Date:- 20th September, 2007

P.C.:-

Heard Ms. Asha Dessai, the learned Counsel on behalf of the Petitioner and Mr. C. A. Ferreira, the learned Public Prosecutor on behalf of the Respondents.

Challenge in this petition is to the Order dated 12-10-2006 of the Inspector General of Prisons declining to grant parole to the Petitioner's son who is undergoing a sentence of life imprisonment under Section 302 r/w 34 I.P.C. since 29-7-2003. It appears that the Petitioner's mother prior to passing the impugned Order dated 12-10-2006 has sought the release of her son on parole for a period of 45 days on the ground that she was unable to visit her son in the jail due to her old age sickness. The application was forwarded to the Director General of Prisons, Panaji in terms of Rule 22 of the Prisons(Goa, Daman and Diu Furlough and Parole) Rules, 1968. It appears that the Police Report had certified that the reason given by the said mother to release her son was genuine but the grant of parole was refused because of the seriousness of the crime committed by the Petitioner's son and of his potential to commit such

crimes again, as recommended by the Superintendent of Police, North.

The Petitioner has now sought parole for his son essentially on a medical certificate issued by the Senior Surgeon of Asilo Hospital, Mapusa and which prima facie shows that the Petitioner's wife, i.e. the mother of the said prisoner undergoing life imprisonment has been operated for right mastectomy and is undergoing radio and chemo therapies and is suffering from unstable hypertension and diabetes mellitus and requires off and on hospitalization. Apparently, this certificate was not produced then at the time when the impugned Order dated 12-10-2006 was passed.

Learned Counsel on behalf of both the parties submit and in my view rightly, that the present petition itself be directed to be considered by Respondent No.2/Inspector General of Prisons in the light of the said medical certificate dated 3-8-2007 and in the light of Rule 324 which provides for situations as to when parole may be granted and which includes grant of parole in emergent situations as death or serious illness of father, mother, brother, sister, spouse and children and also marriage of brother, sister and children. I have no hesitation to accept the said submission and direct Respondent No.2/Inspector General of Prisons to consider the request of the Petitioner for the release of Petitioner's son on parole in the light of the said certificate dated 3-8-2007 in accordance with law. This exercise be completed by Respondent No.2/Inspector General of Prisons within a period of two weeks of the receipt of this order after the Petitioner submits a copy of the petition along with the annexures including the said certificate dated 3-8-2007 to Respondent No.2/Inspector General of Prisons.

Petition disposed off on the above terms.

N. A. BRITTO, J.

RD.